

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**ISAAC PETWAY,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 5:06cv135  
Judge Stamp**

**HARLEY LAPPIN, et al.,**

**Defendants.**

**ROSEBORO NOTICE**

On July 11, 2007, the defendants filed a Motion to Dismiss the plaintiff's civil rights complaint. The Court notes that the plaintiff is proceeding pro se. The Court has a mandatory duty to advise the plaintiff of his right to file responsive material, and to alert him to the fact that his failure to so respond might result in the entry of an order of dismissal against him. Davis v. Zahradrich, 600 F.2d 458, 460 (4<sup>th</sup> Cir. 1979); Roseboro v. Garrison, 528 F2d 309, 310 (4<sup>th</sup> Cir. 1975). The plaintiff is so advised.

Within thirty (30) days of entry of this Order, the plaintiff shall file any opposition explaining why his case should not be dismissed. The plaintiff is advised that he must serve the defendants, through their counsel, with any response he files.

**IT IS SO ORDERED.**

The Clerk of the Court is directed to provide a copy of this Order to the pro se plaintiff and to counsel of record.

DATED: July 12, 2007

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE